

TAG Issues on Mark-up

NSR Retooling Team
October 2, 2003

Comments/Issues Provided

- Wisconsin Public Service Corp.
- Department of Commerce
- Wisconsin Paper Council
- SC Johnson
- WE Energies
- Kohler Company/WMC

Method for Comments

- Most simply highlighted sections
- Some questions within mark-up
- One clarified the basis for comment/issue

Comment/Issue Summary

- Not many adjustments to DNR highlighted sections
- Appear to desire clarity in similar places
- Although some new matters have been identified

Common Areas Identified

- Look back period for baseline actual
- Clean Unit Definition
- Project actual emissions definition
- Monitoring and reporting requirements for projects that are excluded from NSR by applicability test
- Retroactive application of Clean Units

Common Area Identified

- Clean Unit Status and Projects while Unit is Designated as Clean
- Documenting Clean Unit Status in Title V
- Maintaining Clean Unit Status
- Clarity Needed on Clean Unit Investment
- Clean Unit Status for Units that did not go through BACT/LAER

Common Areas Identified

- Notice and Go for Pollution Control Projects
- Ambient Air Impact Assessments for PCPs
- Recordkeeping requirements for PCPs

Common Areas Identified

- PALs Pollutant Specific
- Term of the PAL
- Baseline actuals of PAL
- Setting the PAL
- PAL Expiration Issues
- PAL Adjustment
- PAL Renewal
- PAL Monitoring

Additional Issues

- 405.02(1)(b) - The department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit. WPC
- 405.02(2m)(i)(d) - The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (i)(b) of this section. WPC, WE
- 405.02(7) - Case-by-case BACT review. WPC

Additional Issues

- 405.02(11) - Striking of “actual” prior to emissions in definition of construction WPC, Kohler/WMC
- 405.02(21)(b)4 - Exclusion for municipal solid waste fuels under major modification definition. WPC
- 405.02(21)(b)8 - Replacement control technology with better control efficiency exclusion from major modification definition - WPC, Dcomm
- 405.02(24)(b)1 - Look back 5 years on net emission increase definition. SCJ
- 405.02(24)(b)2(a) - Creditable decrease occurring within in reasonable period. Kohler/WMC

Additional Issues

- 405.02(24)(f)2 - Net emission decrease enforceable as a practicable matter in netting WPC
- 405.02(24)(f)3 -Creditable net emissions decrease has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change WPC
- 405.02(24m) - Pollution control projects quantifying activitiesSuch qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. SCJ

Additional Issues

- 405.02(25) - Potential to emit under physical and operational design WPC
- 405.02(25d) Prevention of Significant Deterioration Program (PSD) program means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of this chapter. Any permit issued under such a program is a major NSR permit. WPC
- 405.02(25s) - "Representative actual emissions" WPC
- 405.02(25w) Reviewing authority means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized by the Administrator to carry out a permit program under §51.165 and this section. WPC

Additional Issues

- 405.02(27) Significant thresholds differ from rule in a few instances - WPSC
- 405.21(2)(x) - PALs available to major stationary sources - WPC